

PROVIDING FOR THE TRIAL BY COURTS-MARTIAL OF MEMBERS OF THE INTEGRATED NATIONAL POLICE AND FURTHER DEFINING THE JURISDICTION OF COURTS-MARTIAL OVER MEMBERS OF THE ARMED FORCES O...

PRESIDENTIAL DECREE NO. 1850, October 04, 1982

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WHEREAS, under Section 12, Article XV of the Constitution, the State shall establish and maintain an integrated national police force whose organization, administration, and operation shall be provided by law;

WHEREAS, under and pursuant to existing laws, the various municipal/city police and fire departments and jails have been integrated into law-enforcement units under the operational control and organization set-up of the Philippine Constabulary;

WHEREAS, in the interest of discipline and public service, it is desirable that members of the Integrated National Police be subject to trial by courts-martial under Commonwealth Act No. 408, as amended, otherwise known as the "Articles of War for the Armed Forces of the Philippines, for all crimes or offenses which are heretofore cognizable
by the civil courts;

WHEREAS, as a complementary measure, there is a need to clarify existing provisions of law relating to jurisdiction of courts-martial and the Tanodbayan/Sandiganbayan and the regular civil courts over crimes and offenses committed by members of the Armed Forces of the Philippines.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Court-Martial Jurisdiction over Integrated National Police and Members of the Armed Forces – Any provision of to the contrary notwithstanding – (a) uniformed members of Integrated National Police who commit any crime or offense cognizable by the civil courts shall henceforth be exclusively tried by courts-martial pursuant to and in accordance with Commonwealth Act No. 408, amended, otherwise known as the Articles of War; (b) all persons subjects to military law under Article 2 of the aforementioned Articles of War who commit any crime or offense shall be exclusively tried by courts-martial or their case disposed of under the said Articles of War; Provided, that, in either of the aforementioned situations, the case shall be disposed of or tried by the proper civil or judicial authorities when court-martial jurisdiction over the offense has prescribed under Article 38 of Commonwealth Act Numbered 408, as amended, or court-martial jurisdiction over the person of the accused military or Integrated National Police personnel can no longer be exercised by virtue of their separation from the active service without jurisdiction having duly attached before hand unless otherwise provided by law.

As used herein, the term uniformed members of the Integrated National Police shall refer to police officers, policemen, firemen and jail guards.

SEC. 2. Segregation of Criminal Cases of Armed Forces and Integrated National Police from Civilian

Co-accused.

—In cases where there are two or more accused one or some of whom is or are civilian (s), the case against the latter shall be segregated from accused Armed Forces or Integrated National Police member, and filed with the appropriate civil court for trial in accordance with existing laws; Provided, however, that should such civilian accused waive in writing civil court jurisdiction and submit himself to court-martial jurisdiction, then the whole case involving members of the Armed Forces or the Integrated National Police as well as the civilian(s) shall be referred for trial to a court-martial.

SEC. 3. Appointing Authorities.—

- Where uniformed member(s) of the Integrated National Police are charged—The President of the Philippines and the Chief of Constabulary/Director General, Integrated National Police are hereby empowered to appoint general, special and summary courts-martial for the trial of uniformed members of the Integrated National Police. The Constabulary Regional Commanders/Directors, Integrated National Police may appoint special and summary courts-martial, and when empowered by the President, they may also appoint general courts-martial. Other subordinate field commanders of the Philippine Constabulary/Integrated National Police may appoint summary courts-martial when empowered by the President.

- Where military personnel and Integrated National Police members are commonly charged— The court-martial shall be appointed by the appointing authorities specified in Articles 8, 9, 10 and 11 of Commonwealth Act No. 408, as amended.

SEC. 4. Composition of Courts-martial.—Membership, whether military personnel or Integrated National Police members, in a general or special court-martial for the trial of a member of the Integrated National Police shall be in a ratio as determined by the appointing authority; Provided, however, that the number of Integrated National Police personnel detailed shall not be less than one-third of the total membership of the court.

SEC. 5. Administrative Action.—Court-martial action against uniformed personnel of the Integrated National Police as herein provided shall not preclude the taking of administrative action against said personnel as may be warranted pursuant to the provisions of existing law.

SEC. 6. Transitory Provisions.—All cases pending before the civil courts against military personnel in the active service of the Armed Forces of the Philippines or against Integrated National Police personnel where, on the effective date of this Decree, the accused have been arraigned, shall continue to be tried and decided by said civil courts. All other cases against such personnel shall be tried by courts-martial or disposed of pursuant to this Decree.

SEC. 7. Promulgation of Rules.—The Chief of Staff, AFP shall formulate rules and regulations necessary to carry out the provisions of this Decree, which shall, upon recommendation of the Minister of National Defense, be subject to the approval of the President.

SEC. 8. Appropriating.—The amount of two million pesos or portion thereof, which are contrary to, or inconsistent with, the provisions of this Decree and, thereafter, such amounts as may be necessary for this purpose shall be included in the annual appropriation of the Integrated National Police.

SEC. 9. Repealing Clause. — All laws, rules and regulations, or portion thereof, which are contrary to, inconsistent with, the provisions of this Decree, are hereby repealed or modified accordingly.

SEC. 10. Effectivity. — This Decree shall take effect immediately.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and eighty-two.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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